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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/650,429 | 08/28/2003 | Harry F. Gladfelter | 18330 USA | 7235 |

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| EXAMINER | |
|---|---|
| MAYO III, WILLIAM H | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2831 | |

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/650,429 | GLADFELTER ET AL. | |
| | Examiner | Art Unit | |
| | William H. Mayo III | 2831 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *55-70* is/are allowed.

6)☒ Claim(s) *1-23,25,26 and 31-47* is/are rejected.

7)☒ Claim(s) *24,27-30 and 48-54* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4 pgs
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(e). The provisional applications being filed August 28, 2002 & June 9, 2003, as Application Nos. 60/406,607 & 60/476,939, respectively.

### *Information Disclosure Statement*

2. The information disclosure statements filed March 4, 2004 & February 11, 2005 have been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-11, 17-19, 21-23, 31-37, and 42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrieu et al (Pat Num 5,300,337, herein referred to as Andrieu). Andrieu discloses an elongated sleeve structure (Figs 1-4) for insertion and protection of elongated items within an outer duct (Col 1, lines 10-20). Specifically, Andrieu discloses an elongated sleeve structure (10) comprising a flexible sleeve (10)

made of a pair of opposed layer of woven resilient filaments (Col 3, lines 60-67) comprised of warp yarns (13) and fill yarns (11) common to both layers, wherein the layers have joined along a second edge by knit stitch formed by interloping of successive traverses of the fill yarn (11, Col 4, lines 34-41), wherein the layers are of equal width and being resiliently separable from a first position in which they are in a closely spaced relationship to a spaced apart relationship (Fig 3), in which a plurality of the elongated items (not numbered) are accommodated, and wherein the layers are resiliently biased to return to the first position in the absence of any elongated items (not numbered, Fig 4). With respect to claim 2, Andrieu discloses that the warp (13) and fill yarns (11) consist essentially of polyester (Col 3, lines 44-48). With respect to claim 3, Andrieu discloses that the warp yarns (13) may comprise monofilaments having a diameter of about 0.25mm (Col 3, lines 49-51). With respect to claim 4, Andrieu discloses that the fill yarns (11) comprise monofilaments having a diameter of about 0.20 (i.e. 8 mils = 0.203 mm, Col 3, lines 49-51). With respect to claim 5, Andrieu discloses that the sleeve (10) has a weave density of 20-25 dents per inch by 20-35 picks per inch (Col 4, lines 3-9). With respect to claim 6, Andrieu discloses that the warp and fill yarns (13 & 11, respectively) are woven in a pattern selected from a group consisting of satin, sateen, and twill weaves (Col 3, lines 52-59). With respect to claim 7, Andrieu discloses that the warp and fill yarns (13 & 11, respectively) comprise polyester (Col 3, lines 44-48). With respect to claim 9, Andrieu discloses that the warp and fill yarn (13 & 11, respectively) may comprise polypropylene (Col 1, lines 13-42). With respect to claim 10, Andrieu discloses that the warp and fill yarns (13 & 11,

respectively), may comprise polyphenylene sulfide, polyvinylidene fluoride, and copolymers of ethylene and chlorotrifluoroethylene (Col 1, lines 13-42). With respect to claim 11, Andrieu discloses that the warp and fill yarns (13 & 11, respectively) may have substantially the same color as one another, and an additional filamentary member being interwoven with the warp yarns substantially lengthwise along the sleeve (10) and having color contrasting with the warp and fill yarns (13 & 11, respectively, Col 3, lines 60-64). With respect to claim 17, Andrieu discloses that the sleeve (10) further comprises a pull tape (15) positioned between opposed layers and extending substantially along the length of the sleeve (10, Fig 4). With respect to claim 18, Andrieu discloses that the pull tape (15) has substantially flat cross sectional shape (Fig 4). With respect to claim 19, Andrieu discloses that the pull tape (15) is formed of interlaced filamentary members (Col 4, lines 55-68). With respect to claim 21, Andrieu discloses that the sleeve (10) may comprise a flexible polymer coating positioned on the sleeve (10), wherein the coating is capable of providing a substantially fluid tight seal enabling inflation of the sleeve (10, Col 1, lines 5-59). With respect to claim 22, Andrieu discloses that the sleeve (10) may further comprise a binder yarn extending lengthwise along the second edge, wherein the yarn may have a plurality of loops surrounding the successive traverses of the fill yarns (11) to facilitate closure of the second edge (Cols 2 & 3, lines 58-68 & 1-4). With respect to claim 23, Andrieu discloses that the sleeve (10) comprises an attachment piece (15) wherein the attachment piece (15) is capable of receiving a line for drawing the sleeve (10) through an outer duct (Fig 3). With respect to claim 31, Andrieu discloses that the filaments are woven in a pattern wherein the fill

yarns (10) may float above two or more warp yarns (13, Col 3, lines 51-59). With respect to claim 32, Andrieu discloses an elongated sleeve (10) comprising a flexible sidewall surrounding a central space (inside of tube), wherein the sidewall surrounding and defining the central space (inside of tube) comprises polyester warp yarns (13) interwoven with polyester fill yarns (11, Col 3, lines 44-48) in a weave pattern selected from a group consisting of twill, satin, or sateen weaves (Col 3, lines 52-59), wherein opposing sidewall portions are separable into spaced apart relation to receive the elongated items within the central space (Fig 4). With respect to claim 33, Andrieu discloses that the sidewall portions are resiliently expandable into the spaced apart relation (i.e. when unhooked). With respect to claim 34, Andrieu discloses that the warp yarns (13) may comprise monofilaments having a diameter of about 0.25mm (Col 3, lines 49-51). With respect to claim 35, Andrieu discloses that the fill yarns (11) comprise monofilaments having a diameter of about 0.20 (i.e. 8 mils = 0.203 mm, Col 3, lines 49-51). With respect to claim 36, Andrieu discloses that the sleeve (10) has a weave density of 20-25 dents per inch by 20-35 picks per inch (Col 4, lines 3-9). With respect to claim 42, Andrieu discloses that the sleeve (10) further comprises a seam (where the two ends meet) extending lengthwise along the sidewall, wherein the seam (where the two ends meet) are closed by interknitted loops of the fill elements (13 of tape) comprising opposing sidewall portions with one another (Fig 4). With respect to claim 43, Andrieu discloses that the sleeve (10) further comprises a reverse fold positioned in the sidewall portions opposite the seam (Fig 4). With respect to claim 44, Andrieu discloses that the sleeve (10) further comprises a pull tape (15) positioned

between opposed layers and extending substantially along the length of the sleeve (10, Fig 4). With respect to claim 45, Andrieu discloses that the pull tape (15) has substantially flat cross sectional shape (Fig 4). With respect to claim 46, Andrieu discloses that the pull tape (15) is formed of interlaced filamentary members (Col 4, lines 55-68).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8, 12-16, 20, 38-41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrieu (Pat Num 5,300,337) in view of Lowe (Pat Num 4,668,545). Andrieu discloses an elongated sleeve structure (Figs 1-4) for insertion and protection

of elongated items within an outer duct (Col 1, lines 10-20).

However, Andrieu doesn't necessarily disclose the warp and fill yarns being nylon (claim 8), nor the sleeve having an electrical conductive conducting layer substantially coextensive with the sleeve (claim 12), nor the conductive layer being aluminum foil (claims 13 & 38), nor the electrically conductive layer comprising a plurality of interlaced conductors (claims 14 & 39), wherein the electrically conducting layer is positioned between the opposed layers (claims 15 & 40), nor the electrically conducting layer being interwoven (claims 16 & 41), nor the interlaced filaments being aramid (claims 20 & 47).

Lowe teaches a shaped hollow sleeve (Figs 1-14) for usage with telecommunications, electronics, and related industries for providing environmental protection and electrical screening for electrical cables (Col 1, lines 15-23). Specifically, with respect to claim 8, Lowe teaches a sleeve (Fig 1) comprising warp and fill yarns that may be nylon (Col 10, lines 19-21). With respect to claim 12, Lowe teaches that the sleeve (Fig 1) may have an electrical conductive conducting layer (i.e. aluminum) substantially coextensive with the sleeve (Col 8, lines 3-8). With respect to claims 13 & 38, Lowe teaches that the conductive layer may be aluminum foil (Col 8, lines 3-8). With respect to claims 14-15 & 39-40, Lowe teaches that the electrically conductive layer may comprise a plurality of interlaced conductors (Col 7, lines 59-68), wherein the electrically conducting layer is positioned between the opposed layers (Col 8, lines 3-8). With respect to claims 16 & 41, Lowe teaches that the electrically conducting layer being interwoven (Cols 7 & 8, lines 59-68 & 1-2 respectively). With

respect to claims 20 & 47, Lower teaches that the interlaced filaments may be aramid (Col 7, lines 35-48).

It would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the sleeve of Andrieu to comprise the conductor layer configuration as taught by Lowe because Lowe teaches that such a configuration is commonly utilized with telecommunications, electronics, and related industries and provides environmental protection and electrical screening for electrical cables (Col 1, lines 15-23).

8. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrieu (Pat Num 5,300,337) in view of Renaud (Pat Num 6,066,800). Andrieu discloses an elongated sleeve structure (Figs 1-4) for insertion and protection of elongated items within an outer duct (Col 1, lines 10-20).

However, Andrieu doesn't necessarily disclose the attachment piece being a grommet comprising a tube extending through the sleeve, a flange attached to one end of the tube wherein the flange is positioned in engagement with one of the opposed layers and a ring positioned in engagement with another of the opposed layers, wherein the ring is in overlying relation with the flange, wherein the tube has a lip engaging and attaching the ring in an overlying relation with the flange (claim 25), nor the lip being formed by cold working the tube and forming an outward reverse fold therein (claim 26).

Renaud teaches a sleeve (Figs 1-7) that shields internal components for electromagnetic disturbances (Col 1, lines 9-16). Specifically, with respect to claim

25, Renaud discloses a sleeve (EG) comprising an attachment piece which is a grommet (CN) comprising a tube (EG1) extending through the sleeve (EG3), wherein a flange (B4) is attached to one end of the tube (EG1) and is positioned in engagement with one of the opposed layers (EG) and a ring (CO) is positioned in engagement with another of the opposed layers (EG), wherein the ring (CO) is in overlying relation with the flange (Fig 5), wherein the tube (EG1) has a lip engaging and attaching the ring (CO) in an overlying relation with the flange (Figs 3E & 5). With respect to claim 26, Renaud teaches that the lip being formed by cold working the tube (EG) and forming an outward reverse fold therein (Fig 3E).

It would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the sleeve of Andrieu to comprise the grommet configuration as taught by Renaud because Renaud teaches that such a configuration shields internal components for electromagnetic disturbances (Col 1, lines 9-16).

***Allowable Subject Matter***

9. Claims 24, 27-30, and 48-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: This invention deals with a sleeve further comprising an attachment piece that is adapted to attach the sleeve to a plurality of other said sleeves when the sleeves are

arranged in overlying relation with one another (claim 24), nor a plurality of sleeves position in overlying relation with one another in a stack, wherein a tube extends through the plurality of sleeves and attaches the sleeves to one another, wherein a flange engages one of the sleeves uppermost in the stack, and wherein a ring engages another of said sleeves positioned in the lowermost of the stack (claim 27), a sleeve further comprising an attachment piece engaging the sidewall, wherein the attachment piece is adapted to attach the sleeve to a plurality of other sleeves when the sleeve are arranged in overlying relation with one another, and wherein the attachment piece engages the sidewalls of the plurality of other sleeves (claim 48), which is not discloses by the prior art of record.

11. Claims 55-70 are allowed.

12. The following is an examiner's statement of reasons for allowance: This invention deals with a sleeve comprising an attachment piece extending through each of said sidewalls and attaching said sleeves to one another in overlying relation (claim 50). This invention also deal with a method of positioning and protecting an elongated sleeve comprising the steps of drawing a line through said duct; attaching one end of said line to said attachment device; drawing said sleeve through said duct using said line; severing said sleeve to remove said attachment device; attaching said elongated item to one end of said pull tape; and drawing said elongated item through said sleeve using said pull tape (claim 70). The above stated claim limitations, in combination with other claim limitations is not taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Communication***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William H. Mayo III

Primary Examiner
Art Unit 2831

WHM III
August 19, 2005